



**REPORT on the
Green Memorandum
Prepared by the Oxford
University Segment of the
Round Table Society**

The within report was prepared by the Oxford University Segment of the Round Table Society. It is printed for private distribution among members of the Society in Canada in the hope that it may be of assistance to the members of the Canadian Segments in their study of the Memorandum and in forming definite conclusions on the questions with which it deals. :: ::

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REPORT ON THE GREEN MEMORANDUM

*Prepared by the Oxford University Segment
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WITH the object of getting more quickly and definitely to results the Oxford Group began by crystallizing its discussion around a series of questions which had been circulated beforehand. The effective answers to those questions will be found in the resolutions passed by the Group and quoted below; but it has not been thought necessary to preserve the form of question and answer in this report, nor to follow the strict order of discussion where it seems more logical to depart from it.

The Group first considered the case for the maintenance of the Empire, as contrasted with other alternatives. The alternatives which presented themselves were:—

- (a) The mutual independence of the United Kingdom and the Dominions;
- (b) Mutual independence combined with an alliance.

It was resolved that the continuance of the Empire was preferable to complete mutual independence on the following grounds:—

(1) The maintenance of the Empire is necessary to the continued existence of Great Britain as a first-class power. [A vote on this clause resulted in a majority of six to three in its favor. A minority report by Mr. C. is printed below.]

(2) At best only Canada and probably none of the Dominions could in the long run sustain their independence of foreign powers.

(3) The Empire affords its citizens the opportunity for a wider life.

(4) British political ideals would be best preserved by the closer union of the Empire. [It may be added that the avoidance of friction between the Dominions would make for peace in the Empire, and be likely to draw in those who look at the question from the pacifist point of view.]

(5) The disruption of the Empire would lead to economic waste through the establishment of separate armaments.

(6) It is desirable that the people of the United Kingdom should be afforded the opportunity of living as immigrants under British rule.

There is, however, an underlying issue in the question of Imperial Unity *versus* Independence which is not definitely raised in these six arguments, but was felt throughout the discussion. Put shortly, it is the problem of nationhood. No issue has more perplexed or divided the members of the Group than this, whether it has presented itself as the question of what constituted a nation or in the considerations of sovereignty and allegiance, or, as here, in the problem of the individual future of the Dominions. A note written by Mr. H. expresses clearly, in this latter respect, the nationalist point of view, leading logically to independence. It is there argued that "in so far as they (the Dominions) are a mimicry of Europe—or rather one small part of it—they are dead: the effort to organic union must fail because it can only be based on this dead side of colonial life." Of the reasons urged above for the maintenance of the Empire it will be seen that only one (No. 2) deals by implication with the nationalist argument. It denies the possibility of the complete nationalist ideal by declaring that probably none of the Dominions could, by themselves, maintain their independence. A wider survey of the question was taken by Mr. P. in a note on "Independence or Union," in which not only was stress laid on the material dangers of separation, but it was urged that a more fruitful individuality would be secured by the Dominion by remaining actually in the Empire. Against the ideal of independence we may set the argument in No. 3 above—that the Empire affords the opportunity for a wider life. To the great majority of the Group this view has been always present. They have held, for instance, that the common administration of the dependencies would be one of the greatest of these opportunities, as was urged by Mr. Richard Jebb in the very book which first explained to Englishmen what Colonial Nationalism meant.

So much for the alternative of complete independence. The other alternative is that of independence coupled with alliance. This was also discussed by the Group and found unsatisfactory as compared with the policy of maintaining the Empire. An alliance offers neither a guarantee of permanence nor effective means of defence. It does not open to citizens of the Empire the same range of opportunities and duties as does Imperial Union, since by the nature of the case a full sharing of common responsibilities is excluded. Nor does it ensure the principle laid down in No. 6 above—that it is desirable for the people of the United Kingdom to be afforded the opportunity of living as immigrants under British rule. While rejecting the alternative of alliance for these reasons, the members

were, however, of opinion that its possibility had not been adequately dealt with in the Green Memorandum.

There is one problem in particular which was not discussed there, but should be raised before we go further, because the alternatives of independence and alliance cannot be finally dismissed till it has been faced. The development of the national spirit in the Dominions must soon make it uncertain, if it is not already so, to which Government, that of his Dominion or that of the Empire, each citizen owes allegiance in the last resort. The Memorandum observes truly (p.180) that the claim of State sovereignty on the citizen is one for unlimited obedience, but that he could not admit such a claim by two conflicting sovereignties. Under the present system this dilemma is veiled, but in any moment of crisis it might come to light. Supposing the citizens of the Dominions to decide—as they very likely may decide if a policy of drift in Imperial matters is continued—that their ultimate allegiance is due to the Government of their own dominion, then the hope of a closer Imperial union must be dismissed. Organic unity would be clearly impracticable on such terms. The only possible sequel would be either complete independence, or independence coupled with alliance on definite and limited terms. Though the opinion of the Group, as has been seen, is that both those alternatives are unsatisfactory, it should be realized that one or other is inevitable unless the question about allegiance is answered in the Imperial sense.

The maintenance of the Empire does not mean for the Group the maintenance of the Empire as it is. The existing system, in their opinion, cannot in any strict sense be called an Empire. The loose nature of the present tie is seen in two problems which the Group discussed in connection with the question of defence. One is the idea—perhaps it would not be going too far to call it a claim—that a Dominion may stand aside, if it chooses, and take no part in an Imperial war. This position was definitely affirmed by Sir William Laurier in his observations in the Canadian Parliament quoted in Memorandum, page 176. He there expressly says that whether Canada had a navy or not, she did not lose her right to self-government: and that if she had a navy that navy would go to no war unless the Parliament of Canada chose to send it there. Under the present system, where there is no true co-partnership either in responsibilities or policy, such a view may very well become current. It expresses the national consciousness of the Dominions, and the assumption has been hitherto that in times of stress a wave of common Imperial sentiment would give us all that was wanted in the way of

mutual aid. But this claim to neutrality is quite inconsistent with a real unity of the Empire. A common policy, and indeed a common life, would be impossible if any member of the Empire was at liberty to remain neutral in the hour of need. The assumption that it might do so shews that the obligations of allegiance to the Empire have not yet been realized. It is evidently not the Empire, but the State, which in the case supposed would be claiming the obedience of the individual. If, however, a true federation of the Empire were carried out, this desire on the part of the Dominions for neutrality might disappear. Federation would not only have strengthened the sense of solidarity between members of the Empire by establishing a real community of interests and policy, but it would have made plain, if it were framed effectively, that the ultimate allegiance of every citizen was due to the Imperial Government. The other question before the Group was as to whether it was possible and legitimate that A. should provide weapons and that B. should control their use. It was decided that this was the case, but that it was not desirable or likely to endure as a permanent arrangement. It is inconsistent with the Nationalist spirit of the Dominions which, if they provide armaments, will demand to control them or at least to share in a common control.

To the continuance of the existing system of co-operation exposed to difficulties of this kind, the Group prefer the formation of an organic Imperial Union. The primary reason is that this, and this alone, will meet adequately the problems of defence. Since the maintenance of the Empire cannot be guaranteed on present lines, we need at least the *minimum* of change which will give security. There are also other important advantages which may be expected to follow on organic union. In the first place it would separate Imperial and local affairs and thereby confer a special benefit on the overworked Parliament and Cabinet of Great Britain. The Memorandum has ably pointed out how the present system leads to cross issues at elections and congestion in the House of Commons. That state of things is bound to continue until Imperial and foreign affairs are dealt with by an Imperial Assembly and Executive, chosen for the purpose, while the Parliament of the United Kingdom is set free for the discussion of domestic affairs, and the British Ministry chosen solely on the ground of its competence to carry out the domestic policy which most commends itself to the electors. It is not simply social government and reform in the United Kingdom which would benefit by the change. Imperial affairs disentangled from local issues will be seen in their

proper perspective and receive fuller examination: the citizens of the Empire will be Imperial as well as local electors, and in the first capacity they will hear Imperial problems discussed on their merits and will be able to vote without the uneasy feeling that they are prejudicing local causes. Another point of great importance to the United Kingdom is that the change would set free capital which could then be applied to measures of social reform. This would not be realized at once since the full proportionate contribution from the Dominions would not be immediately forthcoming, but it would take place gradually and increasingly with the growth of population in the Dominions. Organic union would present also distinct economic advantage. There would be a possibility of organized immigration, which at present is lamentably wanting. There would be an opportunity for a central control of the carrying trade. There would be a common interest in markets and tariffs, which does not necessarily mean the creation of a Zollverein. In the opinion of the Group it would be advisable to preserve the principle of the open-door in the dependencies. This would be an earnest of the essentially peaceable nature of the new federation. It would not be exclusive or aggressive; and it might be hoped that foreign nations, recognizing that it was in no way directed against them, would not regard it as necessitating any increase of armaments. Finally organic union would stimulate the wider national life which the Empire provides, because this would flow through recognized channels giving new opportunities of service.

The way is now clear to consider the constructive work of the Group. It was agreed at the outset that it was not their business to prepare an ideal constitutional scheme, nor a scheme which would commend itself to the Dominions, but one embodying the minimum of change which was required to make it workable. Having regard to the fact that the immediate object of closer union was to meet the exigencies of defence for the Empire, the Group began by discussing the organization of defence and the possibilities of taxation and contribution for that purpose. As these were the questions which provoked most discussion and threatened at one time completely to divide the group and as the method chosen for their settlement could not but influence all the rest of the scheme, it may be convenient to explain the decisive considerations here and then to append the scheme of the proposed constitution without further interruption.

The chief problem of defence was whether the forces should be raised and controlled locally in time of peace, only passing under

Imperial control in time of war; or whether they should be Imperial forces from the first, raised and controlled by Imperial officers. The majority of the Group decided for the second solution. The question then arose whether an assertion of Imperial authority by the maintenance of common forces was enough, or whether it should be asserted not less definitely and continuously in the method of taxation. It was agreed that an Imperial government, if it was to be a government, must have the power to tax for purposes of defence. In the Memorandum it is proposed that this power should be extended through the medium of the State governments, the contributions being payable to the Imperial treasury by drafts on the State bankers. The difficulty which presented itself to the Group was whether this method gave the Imperial Government any effective power to tax at all. The matter is discussed in detail in Mr. P.'s note "Must an Imperial Parliament have an executive of its own?" and only a summary need be given here. Briefly, it was argued that the machinery in the Memorandum placed the Imperial Government only in a relation of request towards the State Governments and left it no effective means of coercion and control either over these, or over the individual citizens of, the Empire, with whom it would have no direct relations. Hamilton said of the earlier constitution of the United States that, though in theory Federal resolutions for the raising of men and money were laws constitutionally binding on the members of the Union, yet in practice they were recommendations which the State observed or disregarded at their option. It was felt that the same kind of difficulty would occur under the scheme of the Memorandum and that without an executive of its own the Imperial Government would really be in the position of an advisory body. There is the further serious objection to the plan of the Memorandum that the only coercive machinery it admits of is too heavy for small occasions and inadequate for big ones. It does not visibly assert the authority of the Imperial Parliament until that authority and a recalcitrant state are on the eve of forcible conflict. Even so the Imperial authority would be backed not by any force of its own, but would depend for the execution of its orders simply on the amount of support it could obtain from the other constituent states. It is true that the suggestion in the Memorandum, that after an appeal to the Federal Court the tax-collecting machinery of the State should be taken over by the Imperial authority, does provide a last chance of obviating conflict and does oblige the State to take the first aggressive act, but it seems more likely that this act of

aggression would be committed than that an Imperial authority which has had no direct connection with the affairs of its citizens would successfully enforce obedience on them for the first time at a moment when passions are high. It would seem that our central government, as Hamilton observes in another passage of the Federalist, "must be able to address itself immediately to the hopes and fears of individuals; . . . it must, in short, possess all the means and have a right to resort to all the methods of executing the powers with which it is intrusted, that are possessed and exercised by the Governments of the particular States." The practical consequence of this is that the Imperial Government together with the power to tax must have an executive of its own to collect taxes, the payment of which will be made by the citizens to it directly and not to the State Governments. If this solution is adopted there should be little doubt in the citizen's mind to whom his allegiance is finally due. The sovereignty of the Federal authority will not become visible to him merely in the last resort; it will have been in every-day exercise both for the collection of revenue and in the enlistment and maintenance of the military and naval forces. Unpopular as the collection of taxes may be, nothing short of such an exercise of sovereignty in normal times would be calculated to produce that permanent disposition to regard the Imperial Government as a legitimate and supreme authority, without which any severe and sudden demand on its part cannot be expected to arouse an effective response.

The cost of defence, it was agreed, should be distributed on the basis of equality of sacrifice on the part of the Dominions, this equality to be determined by taking into account both the population and the aggregate of the national resources (capital and income) of the Dominions. In estimating sacrifice it may be advisable to consider the trade benefit to a State derived from, *e.g.*, the construction of Imperial dockyards in its territory, or the concentration of part of the Imperial fleet round its shores. The Group accepts the machinery suggested in the Memorandum for regulating distribution of cost by an assessment commission.

The constitutional scheme suggested is as follows:—

I.

The Imperial Assembly to consist of two Houses [Messrs. P. and McD. present a minority note in favour of a single chamber.] The Lower House should have a fixed number of members (200 suggested) returned by direct election on a population basis. Population, for this purpose, means all who possess the full rights of

citizenship, conferred by the State in which they reside. The Upper House or Senate should consist of members representing all States of the Empire equally, five for each; they should be elected at the same time as the members of the Lower House but the electoral areas in the two cases should be different.

II.

The Imperial Ministry, to be chosen from the Imperial Assembly, should consist of at least one member from each of the Imperial States.

III.

The Federal Supreme Court should be formed out of the present Judicial Committee of the Privy Council, and have jurisdiction in all cases of dispute between the Federal authority and a State, or between one State and another.

IV.

The following allocation of powers was made:—

(a) The Imperial Government should be given power to tax for purposes of Imperial defence, this power to be exercised by Imperial tax-collectors. [Messrs.—— present a minority note.]

(b) The Imperial Government should be given control of Foreign Policy, including the making of treaties and the declaration of war.

(c) The Imperial Government should be given power to fix the quota of men and ships to be furnished and maintained by each Dominion and should exercise complete control of these forces in peace and war.

(d) The Dominions should be given control of immigration, commercial treaties, tariffs and shipping, subject to a vote by a three-fifths majority in both Houses of the Imperial Parliament sitting together. In all cases the power of initiative must rest with the Dominion concerned.

(e) The Dominions would retain control of their respective local affairs.

(f) The unmentioned residue of power should go to the Imperial Government.

(g) It may be found that matters such as naturalization, marriage divorce, patents and cables should come under the control of the Imperial Government.

V.

As to the control of the Dependencies, the Group decided:—

(a) That India should be dependent upon the Imperial Parliament. [Messrs. H. and S. disagreed and thought that India should be under the control of the United Kingdom.]

(b) That the new Imperial Government should assume the same relation to Egypt as that of the present Government.

(c) That certain of the Dependencies should be handed over to certain Dominions, the residue becoming Dependencies of the Imperial Government.

(d) It was provided that a Dependency might become a Dominion if a Bill to that effect obtained a three-fifths majority in

both Houses of the Imperial Parliament sitting together. [Messrs. C., F., G., M. and McD. have devised a scheme for which the Dependencies might be represented as such in the Imperial Parliament. The other members of the Group considered that sufficient provision had been made for Dependencies in the last clause.]

It is the unanimous opinion of the Group that the cause of organic union would be much advanced if the initiative in demanding it were to come from the Dominions. Some grounds of hesitation felt by the people of the United Kingdom would then be removed. We should like to be perfectly sure that the Dominions wanted closer union, in view of the greater burdens which it might ultimately impose on them. Their initiative would give us this assurance. It would also go far to remove the natural reluctance of many Englishmen to see the British Parliament made subordinate to a new Imperial Legislature in which the Dominions would eventually predominate. It is true that, as was said above, no attempt has been made in this report to construct a scheme that would be specially acceptable to the Dominions. Evidently the scheme here offered is not compatible with a claim of separate nationality for the Dominions in the full sense of the term. The real nation, if such a thing exists here, must be sought in the whole people of the Empire, the ultimate sovereignty over whom is vested in the central power. It seemed better to make plain that these appear the only conditions of lasting union than to produce a compromise which might be more acceptable but could not be guaranteed to work.

IS A SECOND CHAMBER NECESSARY?

The reasons most commonly urged in favor of a Second Chamber are:—

(1) That, as a chamber of revision or delay, it is a check on hasty legislation, and ensures that the reasoned second thoughts and deliberate will of the people shall prevail.

(2) That it is the best organ for representing the experience of the community, or of representing certain interests to which it is desirable to give representation, and which are not represented as such in the Lower House.

(1) The usefulness of a Second Chamber as a check on rash legislation is a matter for argument. It is, however, unnecessary to enter on this controversial ground here, because legislation, in the accepted sense, will not be the business of the Imperial Parliament. The only bills which will come before it in the ordinary course are finance bills, and the right of Second Chambers to deal with finance is, by modern practice, either denied or much restricted. The veto which a Second Chamber would exercise under the proposed Imperial constitution would be practically confined to questions of policy and administration, and would thus resemble the executive veto of the American Senate. But (A) the reasons, historical and

constitutional, for imposing a veto on the Executive do not exist in the case of our Imperial scheme: (b) the record of the Senate's use of its treaty-making powers is not, on the whole, such as to encourage us to copy this experiment.

(2) The strongest argument for a Second Chamber in a Federal constitution is that it is needed to represent the constituent states as States, chiefly because the views and interests of the smaller states might clash with those of the larger in matters of foreign policy and might be insufficiently taken into consideration in a chamber elected on a population basis. But any such attempt to secure the rights of a minority is exposed to the following dilemma. If, on the analogy of the House of Lords, the power of the Second Chamber is confined to a limited veto, and if, in the case of a deadlock, the final decision be assigned to both chambers voting together, the minority would not be able to secure that effect be given to their views. If, on the other hand, the powers of the Second Chamber are made co-ordinate with those of the first, on the occasion of a difference of view the Government would be responsible to two bodies having inconsistent policies—an impossible situation. It would seem that no further state representation is needed than such as might be advisable to redress the numerical preponderance of the population of the United Kingdom over the population of the Dominions. A suggested plan for doing this will be found below.

The remaining argument in favor of a Second Chamber is general and not federal in character. It is urged that such a House gives an opportunity for concentrating the ripest ability and experience, as in the French Senate, and that it is peculiarly fitted to discuss questions of foreign policy, as has been seen in the debates of the House of Lords. To this it seems sufficient to reply: (a) that the best ability of the Empire will have been drawn upon already if the Imperial and State executives and Assemblies are to be adequately filled; (b) that the discussion of policy will be under this Constitution the chief business of the popular House, and there is no reason to fear that it will not be adequately carried out in an assembly of manageable size filled with representatives from every quarter of the Empire.

The following plan is suggested for combining a Single Chamber with State representation:—

1. That each Dominion should return ten members to represent it in the Assembly, in addition to those members elected on the population basis. (This would raise an assembly of 200 to 250. If that seems too large, its numbers could be reduced to about 190 by limiting the members elected on the population basis to one for every 500,000 people.)

2. That the Imperial Cabinet should contain, in addition to the ministers with portfolio, five ministers without portfolio, representing each of the Imperial states. In this case it would be no longer necessary that each of the ministers with portfolio should represent a different state.

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